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THIS DISPOSITION
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Paper No. 17
RLS/AP

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **Optonics, Inc.**

Serial No. 75/**586,933**

Request for Reconsideration

Thomas P. Storer of Goodwin, Procter LLP for **Optonics, Inc.**

Rebecca Gilbert, Trademark Examining Attorney, Law Office
113 (**Meryl Hershkowitz**, Managing Attorney).

Before **Simms**, **Hairston** and **Rogers**, Administrative Trademark
Judges.

Opinion by **Simms**, Administrative Trademark Judge:

On October 29, 2001, applicant filed a request for reconsideration or modification of the decision issued September 27, 2001, wherein the Board held that the term OPTONICS was merely descriptive of applicant's goods and services. In its request, applicant seeks to amend its

application to the Supplemental Register, and has submitted an amendment to allege use.¹

Trademark Rule 2.142(g) provides that an application which has been considered and decided on appeal will not be reopened except for the entry of a disclaimer, or upon order of the Commissioner, but a petition to the Commissioner to reopen an application will be considered only upon a showing of sufficient cause for consideration of any matter not already adjudicated. As can be seen, this rule does not permit reopening by the Board of an application for the purpose of an amendment to the Supplemental Register. Accordingly, applicant's request for reconsideration or modification is denied.

¹ In its amendment to allege use, applicant asserts use of its mark only in connection with its goods and has deleted reference to its services.